UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,169	10/02/2000	Robert W. Crowder JR.	732.436 SDG.UA	4125

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IAN F. BURNS & ASSOCIATES
1575 DELUCCHI LANE, SUITE 222
RENO, NV 89502

EXAMINER
MARKS, CHRISTINA M

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/678,169	CROWDER ET AL.
	Examiner	Art Unit	
	C. Marks	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

The objection to the drawings has been withdrawn due to the renumbering of the

drawings in the amendment filed 13 February 2004.

Claim Rejections - 35 USC § 112

The rejection of claims 37-39 for the phrase "but not necessarily in the order shown" has

been withdrawn due to the elimination of the language in the amendment filed 13 February 2004

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 37 and those dependent therefrom recite the limitation "updating a value

represented by the cashless device a method comprising..." The language is not definite, as

one of ordinary skill in the art would not understand that which is being claimed in the sense that

the language is conflicting. It is not understood what "updating a method" means in the context

of the limitation and thus one of ordinary skill in the art would not be able to ascertain what is

comprised by the limitation.

For examination purposes, the claims will be evaluated as best understood by one of

ordinary skill in the art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31, 34-36, and 37 (as best understood) are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lucero (US Patent No. 5,038,022) in view of Capers et al. (US Patent

No. 4,669,596) further in view of Perrie et al. (US Patent No. 6,173,955).

Lucero discloses a slot machine that includes a gaming unit having a housing (FIG 1)

wherein the housing includes a game interface to allow a player to conduct gaming functions

(FIG 1). The machine essentially includes a processor located within the housing in

communication with the game interface and used to control the game and the machine. This is

required for the functionality of the machine to be assured. The machine also includes a cash

transaction unit configured to accept cash from and dispense cash to the game player (Column

2, lines 60-68; Column 3, lines 1-5). The cash transaction unit comprises a coin accepter (FIG

1, reference 19), a coin dispenser (FIG 1, reference 16), and to store the coins the machine

must have a coin hopper that axiomatically has a controller associated with it to detect coins

and cause coins to be dispensed, as is notoriously well known in the art as a means for the

structure to properly function. Lucero also discloses a card reading embodiment and states that

such is desirable as it prevents the player from continuously having to return to a cashier

(column 1, lines 25-40).

Lucero does not disclose the details involving the process used to adapt or create a

gaming machine with this capability. Lucero merely discusses the functionality of such. Capers

et al. disclose a method for retrofitting machines to accept such coded cards as the ones that are disclosed by Lucero. Capers et al. discloses a cash-less device unit that is mounted in a retrofit fashion and configured to accept cash-less cards and to transmit and receive information (FIG1, Abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate what is taught by Capers et al. into the system of Lucero. One of ordinary skill in the art would be motivated to make this incorporation for a number of reasons. First, it would be necessary to the functionality of credits paid to a card as disclosed by Lucero that the machines be fitted with the card reader and since Lucero is mostly silent about it, a skilled artisan would be motivated to look elsewhere, such as the disclosure of Capers. Secondly, one of ordinary skill in the art would be motivated to use the teachings of Capers et al. in the system of Lucero, as Capers provides a means to adapt a machine to use a card without much change to the machine. Capers discloses that by using their method, a machine can be provided with a retrofitting accessory which enables many types of existing money operated machines to be retrofitted so they are capable of being operated with either money or cards (Column 1, lines 38-42). Further, the unit can be connected to an existing money machine quickly and easily without requiring special tools (Column 1, lines 45-46) as well as using standard electrical couplings (Column1, lines 50-52). These reasons would motivate a skilled artisan to apply the method of Capers into the disclosure of Lucero. As Lucero is silent about how to actually incorporate the method in terms of structure, Capers et al. provides a means for implementing the structure as well as motivation to use such a means over just redoing the entire machine. By using the Capers et al. method instead of redoing the entire machine (which seems to be indicated by Lucero as the way to implement) a skilled artisan would recognize the time and money that could be saved as supported by Capers et al.

The teachings of Caper et al. are directed to a vending machine. Though a slot machine and vending machine are analogous in the art as both represent a machine in which you insert money or tokens in order to make a purchase, a slot machine would present an obvious further consideration to one of ordinary skill in the art that the user must be able to cash out. Perrie et al. disclose such a situation in a gaming machine wherein a cash out button serves the dual purpose of being able to cash out coins as well as a credit to a smart card.

Perrie et al disclose a game of chance above where both cash and cashless gaming is incorporated wherein there are multiple ways to cash in and out. Perrie et al. disclose that there are numerous approaches to inputting a wager including, but not limited to: coin in, bill in, card in (credit, debit, or smart) which establish a credit on the machine that will be displayed on the credit meter (Column 7, lines 48-53) which serves as a record to the received credits.

Perrie et al. also discloses that when cashing out, there may be one of many structural devices that can be used from a coin out mechanism, tickets dispensed or the like. Furthermore, the cash out function could be combined to include a case where a smart card is used wherein when the cash out function is activated, credits are delivered to the card (Column 8, lines 10-20).

By allowing the device to credit a smart card instead of delivering coins when the cash out button is hit, Perrie et al. provide an interception to the cash out process by altering the normal procedure for cashing out. Axiomatic to the functionality of Perrie et al. there is a type of interception processor that will control this action. The interception processor will intercept the signal from the cash out button to credit the smart card. The device of Perrie et al. also axiomatically suggests a dispenser emulator. This dispenser emulation process is carried out as the player cashes out with their smart card be credited. This action would cause the act of dispensing the winnings to be emulated by crediting the player's smart card instead of actually

providing the player with cash winnings. These facts would be obvious to one of ordinary skill in the art, as the same cash out button will be used for cash as well as credit.

Therefore, one of ordinary skill in the art would find the teachings of Perrie et al. obvious to the application of Lucero in view of Capers et al. When a cash gaming machine is to be retrofitted in the manner taught by Capers et al. in order to accommodate credit cards, an ordinary artisan would recognize it obvious to consider the effects of cashing out on the system as disclosed by Perrie et al. One of ordinary skill in the art would therefore be motivated to incorporate an interception/emulation as suggested by Perrie et al. into the retrofit apparatus of Capers et al. in order to incorporate the device into Lucero. In order to retrofit Lucero as disclosed by Capers et al., one of ordinary skill in the art would recognize that the basic functionality of the processor would not be changed, thus the incorporate of an emulation and intercept would be obvious to one of ordinary skill in the art in order to maintain proper functionality upon the retrofit.

Regarding claim 34, it is notoriously well known in the art to use an interface with an I/O between the controller and the peripheral devices. Perrie et al. does not specifically disclose the hardware used to create the effect of intercept and emulation. However, such features are well known in the art and the manner of design choice in which this functionality would be implemented would be obvious to one of ordinary skill in the art. It would therefore be obvious to one of ordinary skill in the art to incorporate an interface board into the peripheral device disclosed by Lucero in view of Capers et al. in order to achieve the functionality disclosed by Perrie et al. The use of the interface would be well understood in the art. One of ordinary skill in the art would be motivated to make this incorporation in order to encompass the required function of Perrie et al. into the retrofit apparatus to allow the device to properly function in the

gaming machine and be in communication with the device. The exact manner in which this

incorporation is made would be a design choice, obvious to one of ordinary skill in the art.

Regarding claim 35, Capers et al. disclose the cash-less transaction system is located in

a housing separate from the gaming machine housing (FIG 1).

Regarding claim 36, Lucero does not disclose that the cash transaction unit also

comprises a paper currency acceptor in communication with the game processor; however, a

skilled artisan would recognize that though coins are repeatedly disclosed by Lucero, the

intention is to show the disadvantage of a cash only system. A skilled artisan understand

gaming machines can have both coin and cash and there are a number of models that do so.

Thus, incorporating cash into the system of Lucero would be obvious to a skilled artisan in view

of the current state of the art. A motivation for doing so would be to allow the player to use

dollar bills instead of coins wherein the player would not have to lug around a number of heavy,

dirty, and loud coins. A skilled artisan understands that most players dislike this and thus would

be motivated to allow for cash input as well.

Regarding claim 37, the combined disclosures discussed above lend to a method as

claimed. Through the combined disclosure a method of providing cash-less gaming in a

retrofitted fashion includes providing a game machine to a player that can accept currency but

also has been retrofitted to accept cash-less devices. The device also includes the capability to

send signals to the processor to direct the game to perform a game function (i.e. when a card is

inserted an emulation would occur in Lucero in view of Capers et al. that would indicate to the

processor that the proper wager has occurred). In view of the teachings of Perrie et al., the

signal would also be intercepted upon a cash out function that would allow the player to receive

the cash out to their card, not the hopper tray as was intended. Further, these functions would

axiomatically be added in a retrofit manner, as the purpose of adding the cash-less device to

Lucero as disclosed by Capers et al. would be to not have to change the processor workings.

Values are thus updated relating to the gaming machine.

Claims 32-33 and 38-39 (as best understood) are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lucero (US Patent No. 5,038,022) in view of Capers et al. (US Patent

No. 4,669,596) further in view of Perrie et al. (US Patent No. 6,173,955) further in view of

Crevelt et al. (US Patent No. 5,902,983).

What Lucero, Capers et al., and Perrie et al. disclose has been discussed above and is

incorporated herein.

Capers et al. do not disclose that the cashless transaction system comprises a network

communication link between the system and a network configured to store cashless information.

Further, Capers et al. do not disclose that remote network and the cash-less transaction system

exchange information.

Crevelt et al. disclose a gaming machine, which like the vending device of Capers et al.,

is adapted for cashless transfer. The machine has a peripheral device (shown in FIG 2 that one

of ordinary skill in the art would understand to be the cashless device) interfaced to the gaming

machine in order for the player to initiate the cashless gaming (Column 5, lines 41-44). The

cashless device can send requests over a network communication link (FIG 2) to a network that

stores cashless information and receive authorizations for an EFT system located distal from

the cash emulation processor device (Abstract, FIGS1 and 2).

One of ordinary skill in the art would be motivated to incorporate the teachings of Crevelt

et al. into the device of Capers et al. in order to allow more complex cashless transactions to

occur. The device of Capers et al. only supports a specially encoded card. Being that it is well

known in the art that cashless transactions include smart cards, debit cards, specialized cards,

credit cards, etc. it would have been obvious to one of ordinary skill in the art to incorporate the function of communication with a remote system in order to enable an EFT transaction in the system of Crevelt et al. One of ordinary skill in the art would be motivated to make this incorporation in order to allow users to use their own debit cards without the need or inconvenience of obtaining a specialized card to use the machine.

Response to Arguments

The Applicant's arguments have been considered but are moot in grounds of the new rejections presented above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,470,079: System that discloses that management of account information when coins, cash, and credit are all used in the same system.

US Patent No. 6,068,101: System that discloses a retrofit to a machine used to clear the limitations of the coin chutes. Includes credit functionality.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmm
April 23, 2004

Teresa Walberg
Supervisory Patent Examiner
Group 3700